

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

SIMONTON BUILDING PRODUCTS, INC.,

Plaintiff,

v. // CIVIL ACTION NO. 1:07CV62
(Judge Keeley)

ORIN S. JOHNSON, GARY A. JONES,
and AM-RAD, INC.,

Defendant.

ORDER GRANTING MOTION FOR LEAVE TO FILE SUR-REPLY

On July 31, 2007, the plaintiff, Simonton Building Products, Inc. ("Simonton"), filed a motion for leave to file sur-reply in opposition to the defendants' motion to dismiss. A copy of the proposed sur-reply had been inadvertently filed on July 27, 2007 before Simonton sought leave to file the pleading.

In support of its request for leave, Simonton states that the defendants raised, for the first time in their reply brief, the issue of litigation currently pending in the United States District Court for the District of Kansas. According to Simonton, the defendants' characterizations of the Kansas litigation are, at best, misleading, and, therefore, requires a sur-reply by Simonton.

Good cause having been shown, the Court **GRANTS** Simonton's motion for leave (dkt no. 30) and **FINDS** that the sur-reply

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previously filed by Simonton on July 27, 2007 to be properly filed.

It is so **ORDERED**.

The Clerk of the Court is directed to transmit copies of this Order to counsel of record for the parties.

DATED August 1, 2007.

/s/ Irene M. Keeley

IRENE M. KEELEY

UNITED STATES DISTRICT JUDGE